

RESOLUTION NO. 4145

AUTHORIZING **AND** DIRECTING CONDEMNATION
OF REAL PROPERTY FOR STREET WIDENING,
STORM DRAINAGE, SEWER FACILITIES, AND
OTHER UTILITY SERVICES

BE IT RESOLVED by the Council of the City of Lodi
as follows:

The Council of the City of Lodi finds, determines,
and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to-wit: street widening, storm drainage, sewer facilities, and other utility services on and across certain real property located on the East side of Stockton Street between Kettleman Lane and Century Boulevard in the County of San Joaquin, State of California.

2. **That the real property hereinafter described** is suitable, adaptable, necessary, and required for the public **use** of **said** City of Lodi, **as** hereinabove set forth.

3. The proposed project is planned and located in the manner that will be **most** compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the hereinafter described real property for street widening, storm drainage, sewer facilities, and other utility services, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary

land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, a fee simple estate in and to the said hereinafter described real property by condemnation in accordance with the provisions of the Streets and Highways-Code, Code of Civil Procedure, and the Constitution of California relating to eminent domain.

6. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

7. The real property, or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements are situate in ~~the~~ county of San Joaquin, State of California, and is more particularly described as follows:

PARCEL I: The West 40 feet of the following described parcel.

Beginning at the Northwest corner of Lot 14 as shown upon map entitled "A. J. LARSON'S SUBDIVISION of the Northeast Quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian," filed for record November 7, 1890, in Vol. 2 of Maps and Plats, Page 4, San Joaquin County Records; thence Easterly along the North boundary of said Lot, 433.6

feet to the Northwest corner *of* the land as described in *the* Deed to SUSAN ROACH, recorded December 30, 1916 in Book "A" of Deeds, Vol. 289, Page 253, San Joaquin County Records: thence Southerly and along the West line of ROACH TRACT, 395.7 feet: thence Westerly and parallel with the North boundary of said Lot 14, a distance of 433.6 feet, more or less, to the West line *of* said Lot 14; thence Northerly along the West line of said Lot 14, a distance of 395.7 feet to the point of beginning.

PARCEL 11: The West 40 feet (measured to the center line of Stockton Street) of the following described parcel.

Lot 15 as shown upon map entitled "A. J. LARSON'S SUBDIVISION of the Northeast Quarter *of* Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian," filed for record November 7, 1890, in Volume 2 of Maps and Plats, Page 4, San Joaquin County Records.

EXCEPT the North 7 acres thereof.

Said North 7 acres measured to the center of Stockton Road on the West.

DATED: December 17, 1975.

I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held December 17, 1975, by the following vote:

AYES: Councilmen SCHAFFER, HUGHES, EHRHARDT, KATNICH,
and PINKERTON

NOES: Councilmen - None

ABSENT: Councilmen - None



ALICE M. REIMCHE, City Clerk

The foregoing document is
certified to **be** a correct
copy of the original on
file in this office.

Alice M. Keene
ALICE REIMCHE
City Clerk, City of Lodi

Dated: *December 17, 1975*